

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Patrick Lorenzo Wiggins

Docket No. 5:01-CR-115-1BO

Petition for Action on Supervised Release

COMES NOW Timothy L. Gupton, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Patrick Lorenzo Wiggins, who, upon an earlier plea of guilty to 21 U.S.C. § 841(a)(1): Distribution of at Least 5 Grams or More of Cocaine Base (Crack), was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on March 13, 2002, to the custody of the Bureau of Prisons for a term of 120 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.

On October 31, 2008, in accordance with an Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2), the term of imprisonment was reduced to 96 months. On November 10, 2008, Patrick Lorenzo Wiggins was released from custody, at which time his supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On October 14, 2010, the defendant tested positive for the use of cocaine. After further inquiry by this probation officer, the defendant acknowledged using cocaine on October 10, 2010. He also admitted to using cocaine "at least three or four times over the last month." During this personal contact, it was also revealed that the defendant had moved without permission and had gotten married without notifying this probation officer.

Furthermore, on October 19, 2010, a field urinalysis kit tested positive for the use of cocaine. The defendant denied using cocaine since October 10, 2010, and the sample was sent to the laboratory for confirmation. In view of this drug use, enrollment in the DROPS Program and completion of a 5-day period of incarceration are recommended. The defendant will also be enrolled in substance abuse counseling. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

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PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 5 days and shall abide by all rules and regulations of the designated facility.
2. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days. The defendant shall begin the DROPS Program in the third use level.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

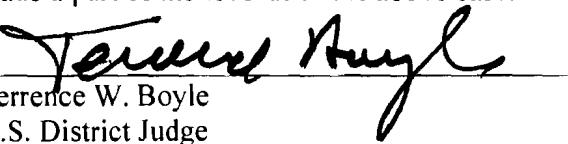
I declare under penalty of perjury that the foregoing is true and correct.

/s/ Michael C. Brittain
Michael C. Brittain
Senior U.S. Probation Officer

/s/ Timothy L. Gupton
Timothy L. Gupton
U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: (919) 861-8660
Executed On: October 25, 2010

ORDER OF COURT

Considered and ordered this 25 day of October, 2010, and ordered filed and made a part of the records in the above case.


Terrence W. Boyle
U.S. District Judge